



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

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14 JUN 1974

Honorable John C. Stennis, Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On June 3rd the Senate approved certain amendments to the CIA section of the National Security Act of 1947 in voting on H. R. 14592. With certain understandings outlined below, I am pleased to say that these amendments are acceptable to me.

As you know, I fully accept the amendment inserting the word "foreign" immediately before the word "intelligence" in the Act, to clearly express the mission of CIA as relating only to foreign intelligence. I also am pleased to accept the amended provision of Clause (5) of subsection (d), adding a requirement to report to the Congress any "...functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the [National Security] Council...".

With respect to the modified version finally adopted of a new section restricting CIA's activities in the United States, I believe that this language is fully appropriate on the understanding that certain foreign intelligence operations and certain activities necessary to the support of foreign intelligence operations can be legitimately conducted under Clause (5) of subsection (d) noted above, if specifically directed by the National Security Council and reported to the Congress. These would

include such current activities, described in my confirmation hearings, as (a) interviewing American citizens who are willing voluntarily and without pay to share foreign intelligence information in their possession with their Government; (b) collecting foreign intelligence from foreigners and (c) establishing support structures necessary to foreign intelligence operations abroad. If this were not the intention of the Congress, I believe the United States would be unable to acquire significant foreign intelligence important to the national security. Perhaps this understanding could be included as an element of the legislative history of this Act.

The new subsection 102(g)(2) seems redundant and hardly appropriate in providing that a Federal agency should not participate in illegal activities. Further, I believe it possible that some could argue that such language affects the now clearly authorized acts of the Agency such as those outlined in Sections 5, 6, 7 and 8 of the CIA Act of 1949, exempting CIA from various provisions of law where necessary to the security of foreign intelligence operations.

Please allow me to express my appreciation of your interest in a clear statutory delineation of this Agency's functions and authority and my assurance that this Agency will respect in every way in the future the scope of the Agency's unique authorities as applying only to foreign intelligence and related activities.

Sincerely,

/s/ W. E. Colby

W. E. Colby
Director

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ing clerks, announced that the House had passed the bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1752. An act prescribing the objectives and functions of the National Commission on Productivity and Work Quality;

H.R. 11223. An act to authorize amendment of contracts relating to the exchange of certain vessels for conversion and operation in unsubsidized service between the West Coast of the United States and the Territory of Guam; and

H.R. 12925. An act to amend the Act to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

HOUSE BILL REFERRED

The bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs was read twice by its title and referred to the Committee on Labor and Public Welfare.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. I ask unanimous consent that during the consideration of S. 3000, Mr. Ed Kenney and Mr. Robert Old, of the staff of the Committee on Armed Services, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I ask that the Chair recognize the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The Senate continued with the consideration of the bill (S. 3000) to authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

AMENDMENT NO. 1368

Mr. PROXMIRE. Mr. President, I call up my amendment No. 1368 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE's amendment (No. 1368) follows:

At the appropriate place in the bill insert a new section as follows:

SEC. Section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended as follows:

(1) Subsection (d) is amended by inserting "foreign" immediately before "intelligence" the first time the latter term appears in such subsection.

(2) Clauses (1) and (2) of subsection (d) are amended by inserting "foreign" immediately before "intelligence" each time the latter term appears in such clauses.

(3) Clause (3) of subsection (d) is amended by inserting "foreign" immediately before "intelligence" the first time the latter term appears in such clause.

(4) Clause (4) of subsection (d) is amended by inserting "relating to foreign intelligence activities" immediately after "of common concern".

(5) Clause (5) of subsection (d) is amended to read as follows:

"(5) to perform such other functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the Council and reported to the Congress in such manner and in accordance with such procedures as the Congress may establish to insure effective legislative oversight with due recognition of essential security requirements."

(6) Add at the end of such section a new subsection as follows:

"(g) (1) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to—

"(A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity;

"(B) provide assistance of any kind, directly or indirectly, to any other department or agency of the Federal Government, to any department or agency of any State or local government, or to any officer or employee of any such department or agency engaged in police or police-type operations or activities, law enforcement operations or activities, or internal security operations or activities

within the United States unless such assistance is provided with the prior, specific written approval of the CIA Oversight Subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives; or

"(C) participate, directly or indirectly, in any illegal activity within the United States.

Mr. PROXMIRE. Mr. President, the amendment before us addresses the question of illegal domestic operations conducted by the Central Intelligence Agency.

Let me make it quite clear that this amendment will not prohibit the CIA from any obligation legally authorized under the 1947 National Security Act or the 1949 CIA Act. It is not an anti-CIA amendment.

What it does do is to provide a strong safeguard against the unauthorized exploitation of the CIA for illegal purposes by political, military, or any other vested interests not consonant with the will of the U.S. Government or the laws of the land.

I have great respect for the CIA. They have provided some of the most reputable analysis of foreign events in the history of the country. Indeed, the CIA Director appeared before the Joint Economic Committee a few weeks ago and did a superb job analyzing the Russian and Chinese economies and the kind of burden which their military efforts have placed upon the countries.

The CIA is unburdened by the biases of producing weapon systems. They owe no allegiances to conflicting and bureaucratic goals. They can be and usually are the single most influential independent voice when it comes to foreign intelligence in Washington.

And the need for clear, timely intelligence is extraordinarily important as we all know.

THE DANGER OF EXPLOITATION

With great power and influence comes the potential of exploitation. I am not talking about a "Seven Days in May" operation which is quite unrealistic. But I do refer to the even more real possibility of using this enormous apparatus for unscrupulous or illegal ends here at home.

Looking at the Watergate crisis I am continually struck by the similarity of the techniques and methods developed for collecting intelligence overseas and conducting what has come to be known as "dirty tricks" and the same techniques used here at home. In a speech last June 4 I spoke of the possible "spillover effects" of foreign intelligence methods being used here at home.

In the intervening 12 months that has come true with a terrifying impact. The techniques we developed for use abroad in "dirty tricks" have been used here at home in our own political process. The intelligence agencies have been compromised by political forces. They have been used for domestic illegal purposes.

There can be no denying that we are now living in a world where the unthinkable, the once impossible has become real.

According to the National Security Act of 1947—Public Law 80-253—the CIA

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shall have no police, subpoena, law enforcement powers, or internal security functions. That is a direct quote. No police, subpoena, law enforcement powers, or internal security functions.

On the face of it that seems quite clear. Stay out of domestic police-type activities.

POLICE TRAINING

This law notwithstanding, during a 2-year period between 1972 and 1973, about 50 police officers from a total of at least a dozen cities and county police forces have received direct training from the CIA. U.S. policemen received briefings and assistance from the CIA.

The CIA instructed these policemen in clandestine photography, surveillance of individuals, and detection and identification of metal and explosive devices.

When confronted with the evidence the CIA admitted that this had occurred and justified it under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, title 42, United States Code, section 3701, wherein it is stated that it was the declared policy of Congress "to assist State and local governments in strengthening law enforcement at every level" and that it was the purpose of the law to—

Encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

By using this loophole in the law the CIA engaged in this domestic police-type activity.

The General Accounting Office found that the CIA activities did not seem to be in violation of the law given the provisions of the Omnibus Crime Control and Safe Streets Act and the authority under the Intergovernmental Cooperation Act of 1968 and if the request were made by the Law Enforcement Assistance Administration. In the case with the police training, the CIA did not follow these stipulations and did not operate under the LEAA. Therefore, it would seem to me that the CIA operated improperly in these cases.

The GAO further stated that aside from these later laws, they had found no authority for the CIA to perform such training.

Mr. President, this is just one example of how even a flat prohibition in congressionally mandated legislation could be corrupted and superceded by some technical loophole in a subsequent law. This is an extremely dangerous precedent.

If the CIA can justify its training of police officers how long will it be before the CIA or some political force finds other technical interpretations of subsequent law to justify the CIA becoming even more deeply involved in domestic operations. Where would it stop? Who would control it? What extraordinary or illegal powers could be brought to bear?

It is a constantly disturbing and alarming thought.

Mr. President, I ask unanimous consent that the General Accounting Office

letter to the CIA on this matter be printed in the RECORD.

There being no objection, the GAO letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., May 30, 1973.

HON. JAMES R. SCHLESINGER,
Director, Central Intelligence Agency.

DEAR MR. SCHLESINGER: The Honorable Edward I. Koch, of the House of Representatives had referred to us for a ruling copies of correspondence with your office and certain material which appeared in the Congressional Record for February 6, 1972, page H726 and March 5, 1973, pages H1352-1353, which was prompted by an article in the New York Times for December 17, 1972, which stated that fourteen New York policemen had received training from the Central Intelligence Agency (CIA) in September.

Because of an informal contact from your office we suggested that a statement be sent from your office as to exactly what was done and the specific statutory authority relied upon therefor. As a result, we received a letter dated March 16, 1973, from your Deputy General Counsel which enclosed (1) an extract of the Congressional Record for March 5, 1973, *supra*, that contained Congressman Chet Holifield's discussion and report of the inquiry into the matter by the House Committee on Government Operations at the request of Congressman Koch, together with related correspondence and (2) a copy of Congressman Koch's letter of December 28, 1972, to the CIA and a copy of the response of January 29, 1973, signed by your Legislative Counsel. It was stated that it would appear that all the information needed was contained in those enclosures. We were also assured that the CIA does not run a formal institution for training of police officers in the manner of the FBI Academy located at "Fort Belvoir." (The FBI Academy is located at Quantico, Virginia.)

It is noted that the Congressional Record for March 5, 1973, page 1353 also includes related remarks of Congressman Lucian N. Nedzi, Chairman of the Special Subcommittee on Intelligence, House Committee on Armed Services, as to the activity of that Subcommittee in the matter, in which he emphasizes that the basic jurisdiction in CIA matters remains with the Armed Services Committee and that the Subcommittee has been diligent in fulfilling its responsibilities. He also stated that he shared the view "that the CIA should refrain from domestic law enforcement activities and that some of the activities described by our colleague Mr. Koch, and the agency itself could have been performed much more appropriately by other agencies."

It appears from the material referred to above that within the last two years less than fifty police officers from a total of about a dozen city and county police forces have received some kind of CIA briefing.

As to the New York police it appears that with the assistance of the Ford Foundation an analysis and evaluation unit was developed within the Intelligence Division of the New York City police department. At the suggestion of a Ford Foundation representative it sought assistance from the CIA as to the best system for analyzing intelligence. Although the CIA's techniques and procedures involve only foreign intelligence they were considered basic and applicable to the needs of the New York police. A 4-day briefing was arranged at which a group of New York City police was briefed on the theory and technique of analyzing and evaluating foreign intelligence data, the role of the analyst, and the handling and processing of foreign intelligence information.

The briefing was given by a CIA training staff, based upon material used in training the CIA analysts and without any significant added expense. Specific guidance was not given as to how the New York City police system should be set up but the CIA presented its basic approach.

CIA assistance to local law enforcement agencies has been of two types. In the first type of assistance one or two officers received an hour or two of briefing on demonstration of techniques. Police officers from six local or State jurisdictions came to CIA headquarters for this type of assistance. In the second type of assistance, the briefing lasted for 2 or 3 days. Instruction was given in such techniques as record handling, clandestine photography, surveillance of individuals, and detection and identification of metal and explosive devices. Nine metropolitan or county jurisdictions sent officers for this type of instruction. Assistance given was at no cost to the recipients and has been accomplished by making available, insofar as their other duties permit, qualified CIA experts and instructors. Cost to the CIA has been minimal.

It is stated that all briefings have been conducted in response to the requests of the various recipients. It is also stated that the CIA intends to continue to respond to such requests within its competence and authority to the extent possible without interfering with its primary mission.

No provision of that part of National Security Act of 1947, as amended, 50 U.S.C. 403, *et seq.*, which established the Central Intelligence Agency has been cited as authority for the activities undertaken and our examination of that law fails to disclose anything which reasonably could be construed as authorizing such activities. However, in his letter of January 29, 1973, to Congressman Koch, your Legislative Counsel stated that these activities were entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.* He noted that in 42 U.S.C. 3701 it was the declared policy of the Congress "to assist State and local governments in strengthening law enforcement at every level" and that it was the purpose of that law to "encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals," 42 U.S.C. 3721. He also noted that in the same law at 42 U.S.C. 3756 Congress authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel, and facilities of the Department of Justice and of "other civilian and military agencies and instrumentalities" of the Federal Government to carry out its function. It should also be noted that the section authorizes such use on a reimbursable basis.

There is nothing in the Omnibus Crime and Safe Streets Act of 1968 which authorizes a Federal agency of its own volition to provide services which it is not otherwise authorized to provide. As previously stated there is nothing in the legislation establishing the CIA which would authorize the activities in question. Neither does it appear that those services, equipment, personnel, and facilities utilized were utilized by the Law Enforcement Assistance Administration or even at its request. As stated by Congressman Holifield in his letter of February 23, 1973, to you and quoted in the Congressional Record for March 5, 1973:

Since the Law Enforcement Assistance Administration is the agency primarily concerned with such matters, particularly where Federal assistance funds are involved, it would seem that the need for Federal agency assistance to local law enforcement agencies

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should be coordinated by that Administration.

In that same letter of February 23, 1973, Congressman Hollifield invited attention to the Intergovernmental Cooperation Act of 1968, Pub. L. 90-577, 82 Stat. 1102, approved October 16, 1968, 42 U.S.C. 4201, *et seq.*, as implemented by Budget Circular No. A-97 of August 29, 1969. Among the purposes of title III of that act, as stated in section 301 thereof, is to authorize all departments and agencies of the executive branch of the Federal Government—which do not otherwise have such authority—to provide reimbursable specialized or technical services to State and local governments. Section 302 of the act states that such services shall include only those which the Director of the Office of Management and Budget through rules and regulations determines Federal departments and agencies have a special competence to provide. Budget Circular No. A-97 covers specific services which may be provided under the act and also provides that if a Federal agency receives a request for specialized or technical services which are not specifically covered and which it believes is consistent with the act and which it has a special competence to provide, it should forward such request to the Bureau of the Budget (now Office of Management and Budget) for action. The same procedure is to be followed if there is doubt as to whether the service requested is included within the services specifically covered. Section 304 requires an annual summary report by the agency head to the respective Committees on Government Operations of the Senate and House of Representatives on the scope of the services provided under title III of the act. Possibly future requests for briefings from State or local police agencies could be considered under the provisions of that act and the implementing budget circular.

In the letter of January 29, 1973, to Congressman Koch from your Legislative Counsel it is also stated that the activities in question were not considered to violate the letter or spirit of the provisions of the National Security Act of 1947 which states that "the Agency shall have no police, subpoena, law enforcement powers, or internal security functions." See 50 U.S.C. 403(d)(3). We do not regard the activities as set out above as being in violation of these provisions, but as previously indicated, we have found no authority for those activities by your agency, unless provided on a reimbursable basis in accordance with the Intergovernmental Cooperation Act of 1968, or at the request of the Law Enforcement Assistance Administration under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, which was not the case here.

Copies of this letter are being sent to the Members of Congress referred to above.

Sincerely yours,

ELMER B. STAATS,

Comptroller General of the United States.

WATERGATE INVESTIGATION

Mr. PROXMIRE. Mr. President, the training of police is not an isolated example of unauthorized or illegal activities being conducted by the CIA in the United States.

An investigation by the House and Senate Armed Services Committees into the role of the CIA in the Watergate incident has shown a number of misuses of CIA authority or resources.

The CIA gave Howard Hunt, a former CIA employee, alias identification gear, disguises, and other technical materials for purposes having nothing to do with the CIA mission.

We all know what purpose these were put to. Howard Hunt used them to con-

tact an individual who was peddling material on the Kennedy family and in the unlawful break into the office of Dr. Fielding in the search for the psychiatric records of Daniel Ellsberg.

They were also used in connection with the Mrs. Dita Beard and the ITT affair. They were used during the actual Watergate break-in attempt.

It was found that the White House had demanded domestic psychiatric profiles on Daniel Ellsberg in 1971 contrary to the National Security Act and CIA practice.

Furthermore, Messrs. Halderman, Ehrlichman, and Dean attempted to deflect the FBI investigation of the Watergate break-in by evoking nonexistent conflicts with the CIA.

I emphasize that these are not my conclusions. These are the conclusions of the House Armed Services Committee ably led by Congressman LUCIEN NEDZI, chairman of the Intelligence Subcommittee and Chairman EDWARD HEBERT of the full committee.

The committee charged that the CIA had become "unwitting dupes for purely domestic White House staff endeavors."

This conclusion was reached after 12 weeks of inquiry.

Mr. President I ask unanimous consent that conclusions of the study be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT BY CONGRESSMAN F. EDWARD HEBERT

I believe that the American public should join with me in commending Congressman Lucien N. Nedzi (D.-Mich.), Chairman of the Intelligence Subcommittee of the House Armed Services Committee which conducted a thorough and in-depth investigation of the CIA in connection with the Watergate-Ellsberg matters.

Congressman Nedzi, as Chairman, had a free and open hand during the entire course of the inquiry and with the assistance of his Counsel, William H. Hogan, Jr., and the members of the subcommittee, has brought forth what I believe to be a most important document.

Congressman Nedzi conducted the investigation in the tradition of the House Armed Services Committee inquiries, devoid of flamboyance and fanfare. Every individual who had any significant connection with the problem was before the subcommittee under oath and the subcommittee began and finished its inquiry without leaks or disclosures and without prejudice either for or against any person who appeared before the subcommittee.

As Chairman of the House Armed Services Committee, I want to publicly commend Congressman Nedzi and the other members of the subcommittee, William G. Bray (R.-Ind.), Leslie C. Arends (R.-Ill.), Melvin Price (D.-Ill.), O. C. Fisher (D.-Tex.) and Bob Wilson (R.-Calif.), together with Counsel William Hogan, for their objectivity during the hearings and the sound conclusions expressed in the subcommittee report.

PANEL TABS CIA DUPES FOR WHITE HOUSE STAFF IN WATERGATE-ELLSBERG REPORT

The CIA had become "unwitting dupes for purely domestic White House staff endeavors," in connection with the Watergate and Ellsberg matters, House Armed Services Subcommittee charged in an investigative report issued today.

The Special Subcommittee on Intelligence, chaired by Representative Lucien N. Nedzi (D.-Mich.), issued a 23-page report that capped 12 weeks of inquiry into allegations concerning CIA involvement in Watergate and the Ellsberg case.

Among the Subcommittee's major findings: Alias identification gear, disguises and other technical materials were provided improperly to E. Howard Hunt by the CIA for purposes not in keeping with the CIA's mission.

Although the CIA was not aware of those purposes, it was insufficiently cautious in providing the material.

The material was used in a disguised interview by Hunt to contact an individual who was peddling material on the Kennedy family.

The material was also improperly used in the unlawful break-in into Dr. Fielding's office in connection with the Ellsberg psychiatric records; in connection with Mrs. Dita Beard and the ITT affair; and, finally, at the abortive break-in at the Watergate complex.

The White House demands for domestic psychiatric profiles on Daniel Ellsberg in 1971 was an abuse of CIA facilities.

Halderman, Ehrlichman and Dean attempted to deflect the FBI investigation of the Watergate break-in by evoking nonexistent conflicts with CIA operations.

John Dean made amazingly overt attempts to involve the CIA in Watergate.

In dealing with the CIA White House aides avoided former Director Helms and focused their attention on Generals Cushman and Walters for compliance with orders.

Halderman and Ehrlichman were sources of enormous executive authority in the White House.

The subcommittee recommended legislation to:

a. Prohibit the Director of Central Intelligence from performing actions not included in the National Security Act without the expressed authorization of the President.

b. Tighten the wording of the National Security Act with regard to the protection of intelligence sources and methods by the CIA Director.

c. Prohibit transactions between former CIA employees in the Agency beyond routine administrative matters.

"In testimony we developed," Mr. Nedzi stated, "it became clear that the White House counsel, Mr. John Dean, made what can be characterized as almost unbelievable attempts to involve the CIA in Watergate as a brazen cover for those actually involved."

"There is little doubt that Halderman and Ehrlichman were running much of the executive branch of the government in domestic matters during the period covered by this report and there is no doubt that the CIA leadership considered them to be speaking with finality for the President."

Chairman Nedzi continued, "even though any danger to Mexican-CIA sources was just not in the cards, White House aides sought to impede the FBI investigation into the Mexican money-laundering caper as another obvious attempt at coverup. For example, Dean contacted Acting FBI Director L. Patrick Gray several times following Watergate in overt attempts to stifle the FBI investigation into the Mexican money-laundering operation."

Chairman Nedzi tabbed as "puzzling and contradictory" the testimony regarding the July 6, 1972 telephone conversation between the President and L. Patrick Gray, Acting Director of the FBI. While the President in his public statement on May 22, 1973 indicated that he called Gray to congratulate him on the successful conclusion of the hijacking incident, it would appear from the record that the Gray call to the President at

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San Clemente was returned because Gray expressed concern over apparent White House staff attempts to impede the FBI's role in the Watergate investigation.

Joining Chairman Nedzi in the unanimous approval of the report were subcommittee members F. Edward Hébert (D-La.), William G. Bray (R-Ind.), Leslie C. Arends (R-Ill.), Melvin Price (D-Ill.), O. C. Fisher (D-Tex.) and Bob Wilson (R-Cal.).

Chairman Nedzi indicated that his subcommittee is currently committed to conduct hearings at the earliest possible date on the subcommittee's legislative proposals and other suggested changes in the overall role and operation of the CIA.

Mr. PROXMIRE. Mr. President, what else has the CIA done domestically? The CIA disseminates its foreign intelligence reports to the several agencies concerned with the matters covered in those reports such as the Drug Enforcement Administration, the Immigration and Naturalization Service, the Armed Services, the Customs Service, the Secret Service, and others on a routine basis. As I will explain shortly, this type of routine flow of data will be permitted under this amendment.

In addition to this, however, the CIA provides training to Drug Enforcement Administration personnel in inter-agency procedures and intelligence coordination practices in overseas missions. They also give the Secret Service training in defensive driving and in explosives and demolition devices related to terrorist activities. Members of the U.S. Intelligence Board are given counteraudio surveillance measure training by the CIA.

The CIA maintains a number of permanent facilities and operations on U.S. soil. Of course, the headquarters is located in Virginia and necessary support functions such as recruitment, training, and security checks are carried out.

American citizens are interviewed on a voluntary basis for their knowledge of foreign intelligence which they will share with their Government.

Operations are conducted to collect foreign intelligence from foreigners temporarily resident in the United States.

Mechanisms, relationships, and facilities are required within the United States to support foreign intelligence operations abroad. Some of this entails dummy corporations and front organizations.

And finally, analysis and research on foreign intelligence matters by CIA staff, contractors, consultants, and various institutions is conducted routinely.

EXPLANATION OF THE AMENDMENT

The amendment I am offering today would amend the National Security Act of 1947.

First, wherever the word "intelligence" appears in that act, the word "foreign" would be placed immediately in front of it.

This will help clarify that the CIA only has authority to operate under these provisions when it applies to foreign intelligence. It would eliminate any temptation to broaden or reinterpret these sections to allow domestic activities not related to foreign intelligence.

It is interesting to note that the Director of Central Intelligence supports this revision in the law and, in fact, suggested it himself.

I repeat, the Director of Central Intelligence supports this revision in the law and, in fact, he suggested it himself.

Second, the ambiguous and dangerous clause 5 of subsection (d) of the 1947 act would be modified to read—

It shall be the duty of the CIA under the direction of the National Security Council to perform such other functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the Council and reported to the Congress in such manner and in accordance with such procedures as the Congress may establish to insure effective legislative oversight with due recognition of essential security requirements.

Clause 5 of subsection (d) is the most important section in the 1947 act.

Why? Because it gives unlimited latitude to the National Security Council and the CIA to extend and expand upon the 1947 act. This is the clause that often has been called the origin of the "Secret Charter" of the CIA. From this clause flows the National Security Council Intelligence Directives (NSCID's) that spell out the functions and missions of the various intelligence units.

Senators will notice that nowhere in the 1947 act is the CIA given authority to operate covertly overseas. Nowhere in the language is this spelled out. There is nothing about "dirty tricks," nothing about overthrowing governments or sabotage. It all flows from the clause 5 of subsection d.

My amendment does not address these overseas activities. My bill S. 1935 goes to the heart of that matter, and I hope that the committee will hold hearings soon so that the bill can be considered. That is not what is before us today.

In the meantime, however, and recognizing the almost insolvable problems in defining necessary overseas operations in contrast to the type of operation we should not be engaged in, such as overthrowing governments, I have offered this amendment which deals exclusively with domestic affairs.

Under my amendment, clause 5 is expanded and tightened. I give credit to the language of this modification to the distinguished Senator from Mississippi, the chairman of the Armed Services Committee (Mr. STENNIS).

Third, an entirely new section is added to the 1947 act, which explicitly spells out a prohibition against the CIA becoming involved in domestic affairs. This new subsection says that nothing in the 1947 act or any other act would allow the CIA to carry out, directly or indirectly, within the United States, whether on its own or in cooperation with anyone else, any police-type activity or internal security functions.

It would also prohibit providing assistance to any organization or person engaged in police-type activities or internal security functions.

And last, it prohibits the CIA from participating directly or indirectly in any

A few words of explanation are necessary.

First, what about the normal communications between the CIA and other agencies of Government? Would that be prohibited? The answer is "No." The amendment provides for that by stating that the only exceptions granted must be made in writing by the four oversight subcommittees of Congress.

I would then urge that these exceptions be made public by those committees. I realize that some will say that this is giving too much authority to these small committees. But I have great faith that if these committees alone can authorize exceptions to the rule, they will invoke their authority with great restraint and wariness. After all, if some program backfires, then these committees will also stand responsible. At the present time, no one stands responsible.

It might be asked why must the CIA be prohibited from any illegal activities within the United States? The answer is history. Existing law is no restraint to the CIA. Laws already have been violated in the Watergate case. Laws have been bent in the police-training case. And it can easily be seen that the CIA has great resources for operating covertly here at home and without our knowledge. Therefore, the CIA must be told directly that at no time in the future, and under no conditions, can they break U.S. law, either by self-direction or at the direction of any other party, including the President and Congress.

Mr. President, I think this amendment should be placed in the right perspective. It is offered in order to protect the CIA from abuses coming from the political system. It is intended to isolate and reinforce the Agency in its exclusion mission of collecting foreign intelligence.

It is a guarantee that the CIA will remain aloof from those law enforcement and internal security functions that remain the prerogative of the FBI and domestic law enforcement agencies.

There is no more important heritage to protect than our system of law. When the law is corrupted, we must give it teeth. When it is overlooked or circumvented, we must enforce it with authority. Where it is vague, we must make it explicit.

To do less is to risk our heritage. A vote for this amendment will be a long step in the right direction.

Mr. President, I had an opportunity to discuss this amendment with the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill; and it is my understanding that he approves of much of this amendment. In fact, if I modify the amendment, which I am willing to do, I understand that he is willing to accept the amendment as modified.

So I send a modification to the desk, and I ask unanimous consent that the amendment may be modified as indicated.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. It will be so modified.

The modification will be stated. As read, as follows:

June 3, 1974

CONGRESSIONAL RECORD — SENATE

- (1) (A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity: *Provided, however,* That nothing in this Act shall be construed to prohibit the Central Intelligence Agency from (B) protecting its installations, (C) conducting personnel investigations of Agency employees and applicants or employees of contractors and others requiring access to sensitive Agency information in carrying out Agency responsibilities, or (D) providing information resulting from foreign intelligence activities to other appropriate departments and agencies.

- (2) (A) participate, directly or indirectly, in any illegal activity within the United States.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I have listened to the Senator from Wisconsin, and just for the purpose of quick review, I hold in my hand his amendment No. 1368 to the bill now under consideration, S. 3000.

As I understand, he has modified his amendment so that it will continue to include all that is presently in the original printed copy on page 1 and on page 2 and on page 3, through line 6. Then he adds the words "Provided, however," after the word "activity," and strikes out the remainder of page 3, down through line 19, and renumbers the last paragraph (B), instead of (C), and he includes lines 20 and 21.

Have I correctly outlined the modified amendment?

Mr. PROXMIRE. The Senator has, indeed.

Mr. STENNIS. Mr. President, first I congratulate the Senator for his interest in this subject. He and I have discussed this problem from time to time. It arose last year, when the activities within the domestic field came to my attention.

I came to the Senate soon after the original CIA act was passed, and there was nothing clearer around here, nor anything that sounded louder, than the fact that the CIA act was passed for the purpose of foreign intelligence. I was really shocked and disappointed and considerably aroused when I learned of some of the facts last summer; and even though I was not on Capitol Hill, I make some effort to get a bill started that would cover some of these matters.

We have in this amendment, as the Senator from Wisconsin has pointed out, complete coverage of the matter of domestic intelligence being excluded. Mainly, the Senator has inserted the word "foreign" before the word "intelligence," which closes a loophole and makes clear that we are talking about foreign intelligence only.

I should like to make a further point: The matter of police training, as I understand it, came in through the interpretation of a different law, not the original CIA Act. This amendment, as modified now by the Senator from Wisconsin, prohibits that police activity, and I think correctly so.

We have had a discussion of this matter, and I have discussed it with the Senator from Texas, who was acting for the minority at that time. I

have also discussed it with the Senator from South Carolina, who is the ranking minority member of the committee, and the Senator from Georgia (Mr. NUNN).

I speak for myself, first. I support the amendment of the Senator from Wisconsin. He has stricken from it language I could not agree to. I think every Senator can speak for himself but I do think it would be a valuable amendment. I think it would be helpful to the CIA. I have discussed the matter with Mr. Colby, especially about closing this loophole and putting the word "foreign" before intelligence in the amendment, and it is suitable to him.

If the amendment is accepted by the Senate, and I hope it will be, we will make a conscientious effort to have it carried through. I think that the committee as a whole would have supported the amendment as now modified.

With that thought behind it, I am glad to agree to the amendment so far as I personally am concerned. I would like to hear from the Senator from South Carolina and also the Senator from Texas, with whom I have dealt in connection with this matter.

Mr. THURMOND. Mr. President, as I understand the amendment as now modified, it is about the same amendment as the distinguished chairman of the Committee on Armed Services had introduced and which is now before the Committee on Armed Services. Is that correct?

Mr. STENNIS. The Senator is correct on these points in focus here and included in this amendment. The Senator is correct.

Mr. THURMOND. Since that is the case I do not think there is any objection in committee that I am aware of. I think the committee as a whole favors the amendment and if the Senator from Mississippi wishes to accept it here rather than to wait until later, it is entirely agreeable with us.

Mr. STENNIS. I am interested in getting results. I believe this is the way to get results. It is timely and it is relevant to the bill, in that our committee is the committee that handles legislation of this kind. I think we have taken a step forward in a field where this legislation is needed and we should accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. Proxmire), as modified.

The amendment, as modified, was agreed to.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1370

Mr. PROXMIRE. Mr. President, I call for the amendment No. 1370.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. —. Notwithstanding any other provision of law, no enlisted member of the Armed Forces of the United States may be assigned to duty or otherwise detailed to duty as an enlisted aide, public quarters steward, airman aide, cook specialist, or food service technician on the personal staff of any officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard (when operating as a service of the Navy).

Mr. PROXMIRE. Mr. President, I am happy to yield to the acting majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Senator for yielding.

Mr. President, I ask unanimous consent that there be a time limitation on this amendment of 1 hour, the time to be equally divided between Mr. STENNIS and Mr. PROXMIRE, with a time limitation on any amendment to the amendment of 30 minutes, and in accordance with the usual form.

Mr. STENNIS. Equally divided.

Mr. ROBERT C. BYRD. Yes. In accordance with the usual form.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. STENNIS. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I am getting questions and have been for the last hour from Senators on both sides as to whether or not there will be any rollcall votes this afternoon. May I ask the distinguished Senator if it is his intention to ask for the yeas and nays?

Mr. PROXMIRE. Yes, I intend to have a rollcall vote.

Mr. ROBERT C. BYRD. Very well. Both cloakrooms may notify Senators accordingly. I thank the Senator.

Mr. PROXMIRE. Mr. President, the amendment I propose today will correct a longstanding abuse in the U.S. Military Establishment. It will bring to an end a highly questionable practice with overtones of racial prejudice and involuntary servitude.

It will restore traditional American moral and ethical standards. In short, it will eliminate completely the military servant program.

What is the military servant program? It is the systematic and widespread practice of providing enlisted men for personal and professional use by high ranking generals and admirals.

The enlisted men are called enlisted aides. They are attached to another human being as a personal servant. They are not provided to a command, a unit or a group of officers. They are allotted by the Secretary of Defense to individual officers who live in quarters provided free by the taxpayers. These are called public quarters.

There are 675 such men, enlisted men, serving as servants at the present time. They are in the service of 450 high-ranking officers.

ARE THEY SERVANTS?

I have called these men servants. But are they? Maybe they are professional military men providing a necessary military function?

The best way to judge is by what they

Suggested Language for Incorporation in

Conference Report on H. R. 14592

New subsection 102(g)(1) of the bill clarifies activities in which the CIA may not engage within the United States. In enacting this new subsection, it is not intended to impinge upon activities authorized by law such as those currently undertaken within the United States in support of the CIA's foreign intelligence mission, including the receipt of foreign intelligence information.

HR 14592 file

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Remarks:

Attached is your revision of the Stennis letter in final form with very minor adjustments made by Warner, Nelson, and myself.

George L. Cary
Legislative Counsel

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